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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,030	08/26/2002	Rainer Grimm	60130-1371	9478

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EXAMINER

REDMAN, JERRY E

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 04/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/089,030

Applicant(s)

GRIMM ET AL.

Examiner

Jerry Redman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 12-16 and 18-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-16 and 18-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12-15, 18, 19, 21-28 and 30-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Maekawa et al. As shown in Figure 8, Maekawa et al. disclose a vehicle door comprising an inner shell (6), an outer shell (5), a U-shaped frame structure (2, 2e, and 2c) having a continuous groove/guide forming a profile bar, a window pane (9), a coupling member (41) attached in the same plane as an edge of the window pane (9), drive cables (13) connected to the coupling member (41) and a motor (16) mounted to the frame structure.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maekawa et al. in view of Kobrehel et al. All of the elements of the instant invention are discussed in detail above except providing the coupling member to be adhesively mounted to the window pane. Kobrehel et al. disclose a vehicle door assembly comprising a coupling member attached to the window pane via adhesive (column 5,

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lines 14-16). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the coupling member and window pane of Maekawa et al. with adhesive as taught by Kobrehel et al. since adhesive provides a greater securing means between two elements in which constant stress is applied.

Claims 20 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maekawa et al. in view of Heim et al. ('176). All of the elements of the instant invention are discussed in detail above except providing the frame structure/profile bar to be formed of aluminum. Heim et al. ('176) disclose a framed profile section (6) formed of aluminum (column 2, line 50). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the frame structure of Maekawa et al. to be formed of aluminum as taught by Heim et al. ('176) since aluminum is a lighter weight with equal strength of other metals thereby lowering the weight of the vehicle.

It appears that the applicant's arguments are more limiting than that of the claims. As currently recited, the drive element and "the edge" of the window pane are disposed substantially in the single plane. Although this plane is probably perpendicular to the plane in which the applicant is trying to recite, the broad recitation of the correlation between "the edge" of the window pane and the drive member are in a single plane. It would appear that if the applicant positively recited the structure in a more positive manner; as for example with respect to Figures 1D and 4 with the outermost edge (with a window pane having a front face, a rear face, and an edge connecting the

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two forming a single plane) of the pane mounting a u-shaped connector having a drive element extending from the connector with the connector and drive element extending within the plane defined by the front surface and rear surface of the pane along with the combination of elements already recited, it would appear to read of Maekawa et al.

Furthermore, phraseology such as "exterior surface" of the window pane and the profile bar are broadly recited since the front surface and/or rear surface and/or edge of the window pane could be considered the "exterior surface" as well as the profile bar having an "exterior surface".

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Jerry Redman at telephone number 571-272-6835.

